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WILKINSON ) BARKER ) KNAUER ) LLP

2300 N STREET, NW  
SUITE 700  
WASHINGTON, DC 20037  
TEL 202.783.4141  
FAX 202.783.5851  
www.wbklaw.com

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March 18, 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BY HAND DELIVERY

William F. Caton, Acting Secretary  
Federal Communications Commission  
445-12th Street, S.W., Room TW-A325  
Washington, D.C. 20554

Re: KTSO(FM), Okmulgee, Oklahoma (Facility ID No. 28850)  
Petition for Rulemaking to Amend FM Table of Allotments  
MM Docket No. 02-15; RM-10364

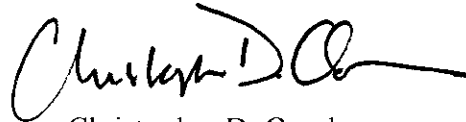
Dear Mr. Caton:

We hand you herewith on behalf of Shamrock Communications, Inc., an original and four (4) copies of its Comments in response to the Commission's Notice of Proposed Rulemaking in MM Docket No. 02-15; RM-10364 (FM Table of Allotments in Okmulgee, Oklahoma and Glenpool, Oklahoma).

Please do not hesitate to contact the undersigned directly with any questions concerning this submission.

Sincerely,

WILKINSON BARKER KNAUER, LLP



By: Christopher D. Ornelas

Enclosures

cc: Mass Media Bureau, Allocations Branch

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Enclosures rec'd  
LINA R C D E

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 02-15
Table of Allotments,	)	RM-10364
FM Broadcast Stations.	)	
(Okmulgee and Glenpool, Oklahoma)	)	

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**COMMENTS**

Shamrock Communications, Inc., ("Shamrock"), licensee of Station KTSO(FM) ("KTSO"), Okmulgee, Oklahoma, by its counsel, pursuant to the Commission's *Notice of Proposed Rule Making* ("NPRM") in MM Docket No. 02-15, released January 25, 2002, hereby submits its comments in support of the above-referenced reallocation proposal. In this proceeding the Commission is proposing the reallocation of Channel 231C1 from Okmulgee, Oklahoma to Glenpool, Oklahoma. Shamrock filed its petition for rulemaking in this proceeding pursuant to Section 1.420(i) of the Commission's rules which permits the Commission to modify a station's license to specify a new community, without entertaining competing expressions of interest. In accordance with this rule, the Commission has indicated it will not accept competing expressions of interest for use of Channel 231C1 at Glenpool.

Shamrock submits that the public interest will be served by this proposal and that prior Commission reallocation decisions support the instant reallocation. Shamrock further reaffirms its interest in the reallocation of Channel 231C1 from Okmulgee to Glenpool, Oklahoma and, if

necessary, will file an appropriate license application for Channel 231C1 at Glenpool if the instant reallocation proposal is adopted.

## **I. INTRODUCTION**

Shamrock filed its petition for rulemaking on October 26, 2001. In the petition Shamrock sets forth in detail the public interest benefits of the proposed reallocation of Channel 231C1 from Okmulgee to Glenpool. The petition highlights that by adopting this proposal the public interest would be furthered by a better distribution of radio stations between these two communities. Specifically, Shamrock demonstrated that grant of the proposal is in the public interest because it will further the Commission's radio allocation priorities in accordance with Section 307(b) of the Communications Act.

Shamrock files these comments to incorporate by reference the discussion in its petition and to emphasize that grant of the proposal is in the public interest since it will result in a preferential arrangement of allocations.

## **II. THE REALLOCATION PROPOSAL WILL SERVE THE PUBLIC INTEREST**

Shamrock currently operates KTSO, one of two commercial broadcast stations licensed to Okmulgee, Oklahoma. The other local transmission service in Okmulgee is AM station KOKL, 1240 kHz, Okmulgee, Oklahoma.<sup>1</sup> KOKL operates with 1000 watts day and night (unlimited 24 hour operation). Accordingly, the requested change of community of license for KTSO will not result in the removal of the only local broadcast service from Okmulgee. Okmulgee is also served

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<sup>1</sup> Shamrock notes that footnote 3 to the Commission's NPRM should indicate that KOKL (rather than KTSO) will remain licensed to the community.

(with at least 60 dBu service) by at least five other commercial FM broadcast stations allotted to nearby communities.<sup>2</sup>

In addition, grant of the instant reallocation proposal will provide Glenpool, Oklahoma, with its own first local transmission service. Adoption of the instant proposal will therefore serve the public interest by providing the community of Glenpool, Oklahoma with its first local broadcast facility. This would further the Commission's radio allotment priorities in accordance with Section 307(b) of the Communications Act.

The record establishes that Glenpool, Oklahoma is a substantial and sufficiently independent community, deserving of its own local transmission service. It has a population of 8123 persons based on the 2000 U.S. Census, has its own branch of the U.S. Postal Service, and its own zip code. Glenpool has its own school district "The Glenpool Public School District," its own city government, including its own police department and its own volunteer fire department, as well as its own public library. Glenpool also contains many businesses that identify themselves as being part of the community of Glenpool including, "Glenpool Eyecare," "Glenpool Furniture," "Glenpool Building and Realty," "Glenpool Health Care Center," "Glenpool Chiropractic Clinic," and "Glenpool Flowers and Gifts." Glenpool also has three churches that identify themselves as being part of the community. In sum, Glenpool not only passes muster under the Commission's policies for being a community for allotment purposes but is a community that is deserving of its own local broadcast service and a first local service preference in the instant proceeding.<sup>3</sup>

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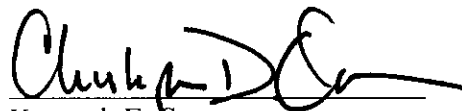
<sup>2</sup> These stations include KXBL, Henryetta, Oklahoma; KHTT, Muskogee, Oklahoma; KJSR, Tulsa, Oklahoma; KBEZ, Tulsa, Oklahoma; and KMYZ-FM, Pryor, Oklahoma.

### **III. CONCLUSION**

Shamrock submits these comments in support of the proposal to reallocate Channel 231C1 from Okmulgee, Oklahoma to Glenpool, Oklahoma, as that community's first local service and respectfully requests that the reallocation be granted on an expedited basis, in order to realize the substantial public interest benefits to be gained thereby.

Respectfully submitted,

Shamrock Communications, Inc.

By:   
Kenneth E. Satten  
Christopher D. Ornelas

WILKINSON BARKER KNAUER, LLP  
2300 N Street, N.W., Suite 700  
Washington, D.C. 20037-1128

March 18, 2002

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<sup>3</sup> Shamrock also notes that as demonstrated in its petition the proposed reallocation is consistent with Commission precedent and directly analogous to a proceeding involving Giddings and Buda, Texas. See *Giddings and Buda, Texas*, MM Docket No. 99-69, *Report and Order*, 14 FCC Rcd 3561 (1999) ("Giddings").